

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

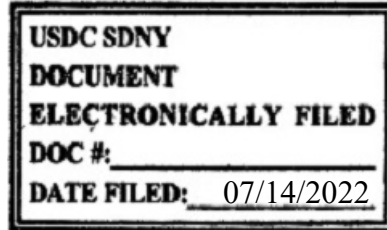
BDG GOTHAM RESIDENTIAL, LLC, et al.,

Plaintiffs,

-against-

WESTERN WATERPROOFING  
COMPANY, INC., et al.,

Defendants.



19-CV-6386 (CM) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

In this three-year-old action, arising out of a serious accident at a construction site on June 25, 2018, property owner BDG Gotham Residential, LLC (BDG) and construction manager ZDG, LLC (ZDG) seek to hold subcontractor Western Waterproofing Company, Inc. (Western Waterproofing) and its surety Western Surety Company (Surety) liable for the resulting economic damage, including physical damage to the project and delay damages, on theories of breach of contract, negligence, and gross negligence.

On April 12, 2022, at the parties' request (*see* Dkt. 96), I extended their fact deposition deadline to July 29, 2022, with all fact discovery to be completed by August 31, 2022, and all expert discovery to be completed by October 31, 2022. (Dkt. 100.) I also set a status conference for July 18, 2022, with a joint status update letter due one week in advance, in which the parties were required to "succinctly describe" any scheduling or discovery disputes. (*Id.*) My individual practices limit letters, including status letters, to four pages, exclusive of exhibits. Moses Ind. Prac. ¶ 1(d).

On July 11, 2022, defendants filed a six-page letter (Dkt. No. 107; *see also* Dkt. No. 108 (attachment)), claiming that they "attempted" to work with opposing counsel to prepare a joint letter but objected to plaintiffs' inclusion of certain material. (Dkt. No. 107 at 1.) Later that same

day, plaintiffs filed their own 12-page letter (Dkt. No. 109), complaining that defendants "declined to sign a joint letter incorporating BDG's and ZDG's positions" on various disputes. (*Id.* at 1.) The one thing the parties appear to agree on is that document discovery remains incomplete, not a single deposition has been taken (or scheduled), and a substantial further discovery extension is sought.

The April 12, 2022 Order was a Court Order, not a suggestion.

No later than July 15, 2022, the parties shall file a *joint* status letter *succinctly* describing their disputes. If they cannot agree upon a joint text, plaintiffs may have the first two pages, leaving room for the salutation, and defendants may have the last two pages, leaving room for the signatures. The typeface shall be no smaller than 12 points and the margins shall be no narrower than one inch. If the Court does not receive a compliant joint letter on July 15, the Court will read the first two pages of each of the July 11 letters and discard the remainder.

Dated: New York, New York  
July 14, 2022

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**